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BOOK REVIEWS.

CASES ON THE LAW OF CARRIERS. By Frederick Green, Professor of Law, University of Illinois, St. Paul: West Publishing Co., 1910, pp. xx. 614.

This work in the American Casebook Series, conforms in plan and appearance to the previous publications of that series, which is as much as to say that its general makeup is admirably suited to its purpose as a class room text. The work consists of Part I, Introductory Topics, Part II, The Carrier's Undertaking, Part III, The Obligation of the Shipper, Part IV, The Exceptional Liability of the Common Carrier.

This plan has the advantage of avoiding repetition of material illustrative of rules applying equally to all kinds of carriers. It has the disadvantage that it is difficult by this line of division to bring out clearly and in relation the peculiar law of the various sorts of carriers. The private carrier and the public carrier have not much law in common because of the mere fact that each is a carrier, and aside from the feature that each is in a public employment the law of carriers of goods rests upon quite different principles from that of carriers of passengers. On the whole it may be questioned whether the advantage in clearness of treating in separate parts each kind of carriers does not more than overbalance any gain in brevity from the outline followed in this book. The telegraph company and the sleeping car company as carriers receive no more than a bare mention in footnotes. They are carriers, and in some of the states by statute, common carriers. If they are to receive attention at all in a law course it seems most natural to consider them in as general a treatment of carriers as this. Express companies as carriers receive but slight treatment, perhaps for the reason that the outline followed in the book does not naturally lead to the full development of the peculiar rules governing any particular sort of carrier, and possibly because of the necessity in a book of this size to omit much that the author might wish to include.

The material selected is for the most part very well chosen. One misses some vastly important cases, such for example as *New Jersey Steam Navigation Co. v. Merchants' Bank*, which is merely referred to in a far less important case, and in a way to mislead as to the law really contributed by that case. The opinion in the particular case was misleading, and it did in fact lead the New York courts into what later cases in the United States Supreme Court showed to be error. The case seemed to say that a specific stipulation in a contract against the common carrier's liability might excuse him from the results even of negligence. What the case does stand for, and that for which it is undoubtedly the leading case in this country, is that it is competent by contract with the shipper for the carrier to secure exemptions from its liability as an insurer. The reason given for this and the further discussion of the case are not upheld, but this much is settled, a fact which makes it a tremendously significant case, one hardly to be omitted from such a collection as this.

Translations from medieval sea laws, such as the Consulate of the Sea, Laws of Wisbuy, etc., are used in this book to advantage, the more so as the

English admiralty law was mostly borrowed from nations whose commerce was extensive before England began to think of trade by sea. The concluding chapters deal with subjects largely controlled by recent statutory enactments, and the footnotes contain valuable suggestions upon various phases of these statutes. It is perhaps too early to print case-law on these important and far-reaching regulations of the business of the common carrier. The Uniform Bill of Lading, approved by the Interstate Commerce Commission June 27, 1908, 14 I. C. C. Rep. 346, is given in the appendix. This embodies some of the changed conditions of shipments due to recent statutes. The book on the whole is a very usable book, with plenty of valuable, well selected material to occupy the full amount of time usually devoted in the schools to this branch of the law.

E. C. G.